

March 8, 2019

Ex Parte

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Transforming the 2.5 GHz Band*, WT Docket No. 18-120

Dear Ms. Dortch:

On Wednesday, March 6, 2019, John Schwartz of Voqal, Katherine Messier of the North American Catholic Educational Programming Foundation, Inc. (NACEPF) and Mobile Beacon, and I met with Commissioner Geoffrey Starks and Bill Davenport, Chief of Staff and Senior Legal Advisor for Wireless and International for Commissioner Starks.

In our meeting, we discussed the history of the Educational Broadband Service (EBS) band and points raised by Voqal, NACEPF, and Mobile Beacon in their previous filings with the Commission. In particular, we explained how the Commission can best achieve its goal of intensive use of EBS spectrum—while promoting both rural deployment and educational connectivity—by modernizing its educational eligibility and usage rules rather than eliminating them, and by automatically rationalizing existing license areas along county lines for all licensees. With respect to unassigned EBS spectrum, we discussed how priority windows that give tribal and educational institutions a meaningful chance to participate will speed licensing, accelerate deployment, and achieve spectrum policy diversity that will help bridge the digital divide.

Sincerely,

Stephanie Weiner
Counsel to Voqal, NACEPF, and Mobile Beacon

Cc: Commissioner Starks
Bill Davenport

Attachment

Window of Opportunity: How EBS Spectrum Can Close the Digital Divide

OVERVIEW

At a time when broadband for education has never been more important to how we learn and communicate, the costs of being disconnected have never been higher. Spectrum policy matters—particularly for rural Americans and those who fall on the wrong side of the digital divide.

Educational Broadband Service (EBS) is the *only* licensed spectrum available to educational institutions to connect their communities. In areas where EBS has been licensed, EBS is connecting tens of thousands of schools, libraries, and other anchor institutions, and through them, millions of students and families that were not otherwise reached by commercial broadband offers. For over 20 years, however, the FCC has not made EBS spectrum available in roughly 50% of the U.S., covering 15% of the U.S. population, mostly in rural areas.

In May 2018, the FCC issued a Notice of Proposed Rulemaking, Transforming the 2.5 GHz Band, which would finally make this unlicensed EBS spectrum available. Chairman Pai has proposed priority windows for educators and Tribal Nations to apply for EBS licenses, finally giving them the chance to connect their communities. Unfortunately, others at the Commission are instead proposing auctioning EBS to commercial entities who already have access to more than 600 MHz of spectrum below 3 GHz that they are not using to serve these same mostly rural areas. The Commission is also considering removing educational eligibility and use requirements that are critical to delivering educational benefits.

Much is at stake. Putting EBS spectrum to its highest and best use must include ensuring that existing levels of EBS service are not diminished and this valuable public asset can be used by those who will connect rural and tribal entities that lack internet access today.

EBS by the Numbers

EBS is Critical to Close the Homework Gap and Serve Students of All Ages

A License Will Always Get Used > 1,300 EBS Licensees > 2,190 EBS Licenses



EBS Connects Low-Income Households

A recent study showed 73% of low-income families had no home internet access before an EBS program reached them.¹



EBS Provides Homework Gap Solutions

EBS licensees are loaning mobile hotspots to students, connecting anchor institutions, and providing WiFi on school buses.



EBS Drives Rural Deployment

Six educational institutions obtained new EBS licenses and all resulted in new networks providing affordable broadband in rural areas.²



EBS Provides Tribal Connectivity

EBS spectrum has ideal characteristics for tribal broadband and has been rapidly and cost-effectively deployed.

The FCC Has Issued Almost
NO NEW EBS LICENSES in 23 YEARS.
The Rural U.S. Is Being Left Behind.

At least **66%** of federally-recognized Tribal Lands have unlicensed EBS spectrum that is crucial for self-deployments.

50 Million U.S. (mostly rural) residents have no access to EBS spectrum or services.

4K+ EBS Licenses were never assigned by the FCC.

35% of rural Americans lack access to 25/3 broadband speeds.³

¹ Samantha Shartman-Cyck & Katherine Messier, Bridging the Gap: What Affordable, Uncapped Internet Means for Digital Inclusion 4 (2017), <https://www.mobilebeacon.org>

² See, e.g., Application of The Board of Trustees of Northern Michigan University For a New Educational Broadband Service Station, Memorandum Opinion and Order, 23 FCC Rcd. 13281 (2008); Application of the Superintendent of Schools for New Educational Broadband Service Stations, Memorandum Opinion and Order, 31 FCC Rcd. 13281 (WTB BD 2016); Application of the Monrovia Unified School District for Special Temporary Authority, ULS File No. 0008014101 (granted Feb. 27, 2018); Application of the Havasupai Tribe for Special Temporary Authority, ULS File No. 0008014101 (granted Feb. 27, 2018).

³ Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, 2018 Broadband Deployment Report, 31 FCC Rcd. 13281 (2018).

EBS is the Only Spectrum That Delivers Robust Commercial Benefits and Educational Benefits

As the FCC considers how to ensure EBS spectrum is put to its highest and best use, the key is that educational eligibility is compatible with intensive commercial use, but the reverse is not true. Today, leased EBS spectrum (as well as the commercial portion of the 2.5 GHz band) is *already* deployed, *already* providing most of the capacity of Sprint's current 4G LTE network, and *already* set to bring America's *first* 5G service to nine cities in May 2019. However, absent educational eligibility, the incentives that drove successful public-private partnerships with educational entities will disappear, and new opportunities for rural educators and tribal groups to obtain 2.5 GHz spectrum and serve unprofitable areas will be lost forever.

Educational Eligibility Provides the Right Incentives for Rural Deployment

While the commercial sector already has 600 MHz of spectrum below 3 GHz, rural deployment is lacking. Giving more spectrum to the same commercial entities that are not building out rural areas with the spectrum they already have, is policy doomed to fail. On the other hand, every time an educational entity has received a waiver to obtain EBS white space or partnered with a rural WISP, rural deployment has followed—with more homes reached, more affordable service, and a more robust data plan than even what our nation's two largest telecommunications providers offer in the same areas. This is the power of policy that gives properly incentivized entities a chance to obtain spectrum.

Auctions Threaten the Broadband Service That Anchor Institutions and Low-Income Families Rely On Today

Although the FCC has suggested auctions will give existing EBS licensees more choice, this ignores market realities. Without educational eligibility, commercial entities have no incentive to offer favorable lease terms to educational entities. Rather, they will offer “buy out” terms in an attempt to drive EBS licensees to sell, leaving committed EBS licensees with fewer options to create long-term, public-private partnerships. Additionally, nearly 200 commenters in this docket told the FCC that without the broadband service they currently rely on through an EBS licensee, they would have **no connectivity** or **insufficient data** to accomplish their educational missions because commercial service is either too cost-prohibitive or simply not available in their area. Additionally, for rural educators who have never had an opportunity to obtain EBS licenses, the FCC's auction proposals will mean they never get a choice—or a chance—to put this valuable spectrum to use in their underserved communities.

A Diverse Spectrum Allocation Policy is Crucial to Closing the Digital Divide

When it comes to closing the digital divide or homework gap, there is no silver bullet. E-rate funding stops short of providing connectivity for secondary educational institutions and to students at home. Lifeline isn't reaching its potential as most facilities-based providers are opting not to participate. And commercial programs like Internet Essentials are helpful, but will not reach everyone. The persistent, pervasive digital divide in both urban and rural America is direct evidence that commercial providers, on their own, *have not and will not* solve the digital divide. Americans on the wrong side of the digital divide need our policymakers to ensure diverse spectrum policies that bring multiple stakeholders together and drive multiple approaches and solutions to reach the unserved.

Maintaining Educational Eligibility in the EBS Band Achieves All of the FCC's Goals

- ✓ Currently supports 5G deployment
- ✓ Promotes long-term public-private partnerships among anchor institutions and commercial entities
- ✓ Provides affordable broadband service for low-income families without a government subsidy
- ✓ Drives rural deployment
- ✓ Provides homework gap solutions like mobile hotspots and WiFi on school buses without a government subsidy
- ✓ Connects long-underserved Tribal Nations

That's Why These Organizations Are Urging Congress to Contact the FCC to Keep EBS Educational

America's Public Television Stations
Catholic Technology Network
California Imperial County Office of Education
California K-12 High Speed Network
Digital Wish
Educators and Broadband Providers for American Rural Communities (EBPARC)
Mobile Beacon
Mobile Citizen
National Digital Inclusion Alliance
National EBS Association (NEBSA)

National Tribal Telecommunications Association (NTTA)
Nebraska Department of Education
Nebraska Educational Television
Nebraska Office of the CIO
NACEPF
Public Knowledge
Schools, Health & Libraries
Broadband Coalition (SHLB)
TechSoup Global
Views on Learning
Voqal

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